

05.05.2022
Item no.05
Court No.01
Avijit Mitra

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 207 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Hajarat Ali

.... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

....for the petitioner

Mr. Arun Kumar Sarkar,
Mr. Biswarup Roy

..... for the State

Apprehending arrest in connection with Sahebganj Police Station Case No.397 of 2021 dated 07.08.2021 under Sections 14A/14C of Foreigners Act, the present application has been preferred.

Mr. Misra, learned advocate appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated. Upon completion of investigation chargesheet has also been submitted and as such custodial interrogation may not be necessary. He further submits that the petitioner is an Indian citizen and his name has transpired on the basis of co-accused statement.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary, the nature of allegations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Hajarat Ali**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, both must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel petitioner's bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail CRM (A) 207 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)

